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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/241,188 02/01/99 BLANDINA

M 10655.7117

EXAMINER
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TM02/0928

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SNELL AND WILMER  
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ZURITA, I

ART UNIT	PAPER NUMBER
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2165  
DATE MAILED:

09/28/01

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#19

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

**Office Action Summary**

Application No.

09/241,188

Applicant(s)

BLANDINA ET AL.

Examiner

James Zurita

Art Unit

2165

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 2 February 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☒ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 8, 16.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **Detailed Action**

### ***Continued Prosecution Application***

This application discloses and claims only subject matter disclosed in prior Application No. 09/105,406, filed June 26, 1998, and names an inventor or inventors named in the prior application. Accordingly, this application may constitute a continuation or division. Should applicant desire to obtain the benefit of the filing date of the prior application, attention is directed to 35 U.S.C. 120 and 37 CFR 1.78. Although applicant claims priority from his application 09/105,406, applicant has not stated whether the present application is a continuation or division of its parent. For purposes of this examination, the present application shall be considered a continuation of application 09/105,406.

### ***Oath/Declaration***

A new oath or declaration is required because the declaration presently filed is signed only by one inventor, Michael Blandina, but not by the other two listed inventors, Robert Berry and Mari Belczynski. The wording of an oath or declaration cannot be amended. If the wording is not correct or if all of the required affirmations have not been made or if it has not been properly subscribed to, a new oath or declaration is required. The new oath or declaration must properly identify the application of which it is to form a part, preferably by application number and filing date in the body of the oath or declaration. See MPEP § 602.01 and 602.02.

### ***Drawings***

The drawings are objected to because of the following informalities: With the exception of Figs. 1A, 1B, 7 and 8, all drawings show only numbered boxes and circles connected by arrows. A wide range of systems and methods could be illustrated by such sets of element numbers and arrows. It is not possible to determine the intended invention from the drawings. Thus, the drawings thus fail to illustrate the invention.

The following items are referenced in the drawings, lack labels and are not defined by the disclosure: Fig. 1A, item 10; Fig. 1B, item 15; Fig. 2B, item 25; Fig. 3, item 30, Fig. 4, item 40, Fig. 5, item 50, Fig. 6, item 60.

Referring to Fig. 1A, the drawing should be designated by a legend such as - - Prior Art - - because only that which is old is illustrated. See MPEP § 608.02(g).

Referring to 1B, the drawing contains items 108 and 112. Applicant refers to Fig. 1B on page 3. Items 108 and 112 are not identified until page 10, line 20 and page 12, line 14, respectively. The items are first defined with reference to Fig. 3. The definitions, pertinent to Figs. 3 and 4, should first appear in the description of Fig. 1B.

Referring to Fig. 7 and Fig. 8, item 172 first appears in Fig. 7 as "Consumer Info" and then reappears in Fig. 8 as "Client Data". The specification defines item 172 as a "client demographics subsystem" (p. 23, line 7), then as a "client data subsystem" (p. 23, line 22).

Referring to Fig. 8, the drawing does not contain items 150, 152, 154, 156 and 158 as claimed in the specification, page 20, line 10. Examiner believes that applicant intended items 150, 152, 154, 156, 158 to be defined as Prod. 1, Prod. 2, Prod. 3, Prod.

4 and Prod. 5, respectively. Fig. 8 does not contain item 134, as described on Page 24, line 11. Items 180, 182 and 184 are not identified in Fig. 8. For purposes of this examination, examiner will apply the above corrections.

Applicant is encouraged to review the drawings for similar irregularities.

Correction is required.

### ***Specification***

The disclosure is objected to because of the following informalities. Item **112** is variously identified as:

- a "transaction capture and routing server" (Page 12, lines 13 and 14),
- a "transaction captive module" (Page 14, line 7),
- a "transaction capture module" (Page 14, line 10),
- a "capture module" (Page 14, line 11),
- a "transaction processing module" (Page 14, lines 19 and 21)
- a "financial capture/transaction routing module" (P. 16, line 7) and as
- an "external financial capture system" (Page 25, line 14). Other items in the disclosure undergo similar transformations. Because of the complexity of the system in this application, applicant is encouraged to standardize his nomenclature.

On page 11, line 9, "CSR 100" should be changed to - - CSR **134** - -. Page 12, line 5, "Figures 2B and 3 show" should be changed to - - Figure 2B shows - - since Fig. 3 does not contain items 138A, 138B and 138C.

On page 13, line 20, "point of sale system 108" should be changed to - - point of sale system **104** - -.

On page 14, line 7, "captive module 112" should be changed to - - **capture** module 112 - -.

On page 15, the description in lines 1 through 5 does not match what is being described in Fig. 5. Fig. 5 shows that item 136 has arrows pointing to items 138, 140 and 100. Page 15, line 2 identifies the first arrow as reports generated to "customers." However, item 138 is consistently described in the disclosure as "Clients" or "client systems." The other items in Fig. 5 correctly match other occurrences in the application: item 140 as "merchants" and item 100 as "consumers."

On page 20, line 10 identifies items 150, 152, 154, 156 and 158. These items do not appear in Fig. 8. As noted above, examiner believes that applicant intended to define items 150, 152, 154, 156, 158 as Prod. 1, Prod. 2, Prod. 3, Prod. 4 and Prod. 5, respectively.

On page 27, lines 20 and 22, and on page 28, line 7, "repository 114" should be changed to - - repository **144** - -.

For purposes of this examination, examiner will apply the corrections listed above. Applicant is encouraged to review the application for similar irregularities. Correction is required.

### ***Claim Objections***

Claim 1 is objected to because of the following informality: Lines 8 through 10 read "point-of-sale terminal receiving transaction data from at least one of the stored value products, and of providing the transaction data to the database server." This

should be changed to - - point-of-sale terminal receiving transaction data from at least one of the stored value products, and providing the transaction data to the database server - - , thereby removing the word "of" that appears extraneously between "and" . . . "providing."

Claims 6, 7, 8, 9, 12, 14, 16, 18 and 19 are objected to because of the following informalities: Each of these claims recites, "the plurality of objects comprises." This should be changed to - - the plurality of objects comprise - - since a plurality is plural. Appropriate correction is required.

Claim 5 is objected to because it appears to depend on itself. Claim 5 states: "5. The system of claim 5 wherein the client is implemented on a digital computer." Examiner believes this is a typographical error, and that applicant intended claim 5 to depend on claim 4 for proper antecedent basis. This is supported by the fact that the only time the word "client" appears in the claims is in claims 4 and 5. In addition, the text in claim 5 should be changed to - - 5. The system of claim 4 wherein the **clients are** implemented on **digital computers** - -. Examiner believes that applicant did not intend to limit his claims to apply to only one of an unlimited number of clients that might use his invention. For purposes of this examination, examiner will use claim 5 as dependent on claim 4.

Claim 9 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 8. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is

proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim 10 is objected to because of the following informality: Claim 10, "A database server for plurality of stored value products . . ." should be changed to - - A database server for a plurality of stored value products . . . - -.

Claim 14 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 12. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim 15 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 13. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim 16 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 18. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim 19 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 17. When two claims in an application are duplicates or else are so close in



content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Correction is required.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 10 through 19 are rejected under 35 U.S.C. 101 because the disclosed invention is inoperative and therefore lacks utility. Claims 10 through 19 recite a compendium of data words and features that have no practical application.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Schein et al. (U.S. Patent 6,226,623).

As per claim 1, Schein et al. disclose a system for administering a plurality of stored value products, the system comprising:

a database server comprising a database (Col. 14, lines 36 through Co. 16, line 55, describing a Global Integration Facility GIF that includes networks and servers under labels of "engines" and "service providers"),

a database (Col. 9, lines 42-57, describing the use of various data base management systems DBMS, as well as the use of IBM/DB2 and ORACLE databases on hardware platforms running UNIX, MVS or other operating systems, and Col. 10, lines 41-56) including a

plurality of objects such that at least one of the objects simultaneously associates with more than one of the plurality of stored value products (Col. 7, lines 13-33, describing various products including smart cards); and

a point-of-sale terminal in communication with the database server, the point-of-sale terminal receiving transaction data from at least one of the stored value products, and of providing the transaction data to the database server (Col. 10, lines 41-56, Figs. 11 and 12 and accompanying descriptions in Col. 20, lines 51-67 and Col. 21, line 1 through Col. 22, line 3).

As per claim 2, Schein et al. disclose the database server of claim 1 further comprising an

authorization server in communication with the database server (Col. 2, lines 7-17, defining servers and service providers, Fig. 13, Col. 22, lines 4-24 describing communication with authorization servers, referred to as authorization engines and service providers, and Fig. 2, items 28, 46 which are authorization engines).and the

point-of-sale terminal (Col. 15, lines 41-52 describing communication in general and Col. 20, 51-67, describing communication with point of sale locations).

As per claim 3, Schein et al. disclose the database server of claim 2 wherein the point-of-sale terminal queries the authorization server for transaction approvals (Col. 3, lines 53-63, Col. 22, lines 4-24 concerning authorization and Fig. 2, items 28, 46, which are authorization engines).

As per claim 4, Schein et al. disclose the system of claim 1 further comprising a plurality of clients, each client corresponding to one of the plurality of stored value products (Col. 7, lines 13-33 regarding types of products, including smart cards, offered by financial institutions and other vendors), and

each client being in communication with the database server (Col. 10, lines 41-56 and related network diagrams Figs. 1, 2 and 3).

As per claim 5, Schein et al. disclose the system of claim 4 wherein the client is implemented on a digital computer (Col. 10, lines 57-65, describing feeds received by the central database store from client systems, Col. 14, lines 36-57 concerning communications network and how the Customer Activated Terminals connect to the Global Integration Facility and Col. 14, lines 61-63 wherein it is stated that a CAT is a computer terminal).

As per claim 6, Schein et al. disclose the system of claim 1 wherein the plurality of objects comprise data structure objects (Col. 10, lines 57-65).

As per claim 7, Schein et al. disclose the system of claim 1 wherein the plurality of objects comprise consumer information that is available to each of the plurality of stored value products (Col. 10, lines 41-56).

As per claim 8, Schein et al. disclose the system of claim 1 wherein the plurality of objects comprise merchant information that is available to each of the plurality of stored value products (Col. 10, lines 41-56, describing businesses and markets).

As per claim 9, Schein et al. disclose the system of claim 7 wherein the plurality of objects comprise merchant information that is available to each of the plurality of stored value products (Col. 10, lines 41-56, describing businesses and markets).

Claims 10-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Riordan et al. (U.S. Patent 6,078,891).

As per claim 10, Riordan et al. disclose a database server for [a] plurality of stored value products, the database server comprising a digital computer and a database (see Abstract, Fig. 1 and Fig. 2 and accompanying description. The abstract teaches that the data warehouse comprises a plurality of related data structures for storing the received data. Fig. 1, described in Col. 2, line 27 through Col. 3, line 60, shows an internet backbone and links by service providers who act as servers in the Internet. The servers provide access to data concerning stored value products such as smart cards in the data warehouse, Col. 10, lines 19-20. Fig. 2, described in Col. 3, lines 61 through Col. 4, line 24, shows different digital computers acting as servers in the internet backbone),

the database (Col. 7, lines 20-21, and Fig. 6 and accompanying description, teaching a relational database arrangement of a data warehouse) comprising:

a key field having attributes (Col. 7, lines 40-41, describing an unique identifier assigned by the data warehouse to each object, the attributes being that the identifier is numerical and unique);

a secondary field having a plurality of instances, each instance inheriting the attributes from the key field (Col. 7, lines 31-44, describing secondary fields in the main data structure. These secondary fields, called *foreign keys* in the relational database model, are unique identifiers to information held in other data structures, and will always provide pointers to parent records); and

a repository having a plurality of objects, each object providing a functionality and associating with each of the plurality of instances (Col. 7, line 25 through Col. 11, line 13, describing a data warehouse repository, unique links from the primary key to objects in other data structures via foreign keys, each data structure storing information concerning specific business functional groups).

As per claim 11, Riordan et al. disclose the database server of claim 10 wherein the secondary field identifies one of the stored value products (Col. 10, lines 15-23).

As per claim 12, Riordan et al. disclose the database server of claim 10 wherein the plurality of objects comprises consumer information (Col. 9, lines 48-57 and Col. 10, lines 1-14).

As per claim 13, Riordan et al. disclose the database server of claim 12 wherein the consumer information is accessible to each of the plurality of stored value products

(Col. 9, lines 48-57, Col. 10, lines 1-14, the stored value products accessed as described in Col. 10, lines 15-23).

As per claim 14, Riordan et al. disclose the database server of claim 11 wherein the plurality of objects comprises consumer information (Col. 9, lines 48-57 and Col. 10, lines 1-14).

As per claim 15, Riordan et al. disclose the database server of claim 14 wherein the consumer information is accessible to each of the plurality of stored value products (Col. 9, lines 48-57, Col. 10, lines 1-14, the stored value products accessed as described in Col. 10, lines 15-23).

As per claim 16, Riordan et al. disclose the database server of claim 10 wherein the plurality of objects comprises merchant information (Col. 9, lines 58-67 and Col. 10, lines 24-36).

As per claim 17, Riordan et al. disclose the database server of claim 14 wherein the merchant information is accessible to each of the plurality of stored value products (Col. 9, lines 58-67 and Col. 10, lines 24-36, the stored value products accessed as described in Col. 10, lines 15-23).

As per claim 18, Riordan et al. disclose the database server of claim 15 wherein the plurality of objects comprises merchant information (Col. 9, lines 58-67 and Col. 10, lines 24-36).

As per claim 19, Riordan et al. disclose the database server of claim 18 wherein the merchant information is accessible to each of the plurality of stored value products

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(Col. 9, lines 58-67 and Col. 10, lines 24-36, the stored value products accessed as described in Col. 10, lines 15-23).

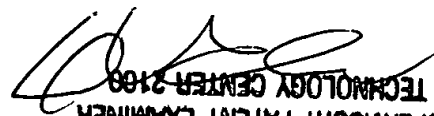
**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Zurita whose telephone number is 703-605-4966. The examiner can normally be reached on Monday – Friday, from 8:30 am to 5:00 pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins, can be reached on (703) 308-1344. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-9051.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

JZ  
James Zurita  
Patent Examiner  
Group Art Unit 2165  
September 25, 2001

  
WYNN COGGINS  
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